

**Special Stipulations mandated by the United States Fish and Wildlife Service for OHV events in Southern Nevada.**

**Reasonable and Prudent Measures**

The Service believes that the following reasonable and prudent measures are necessary and appropriate to minimize take of desert tortoise:

1. Measures shall be taken to eliminate or minimize the take of desert tortoises and destruction of tortoise habitat resulting from management of OHV events.

**Terms and Conditions**

In order to be exempt from the prohibitions of section 9 of the Endangered Species Act, the Bureau must comply with the following terms and conditions, which implement the reasonable and prudent measures described above. These terms and conditions are non-discretionary.

1. To implement Reasonable and Prudent Measure Number 1, the Bureau shall fully implement the following terms and conditions to reduce impacts to desert tortoise and its habitat from management of OHV events:
  1. Entrants, pit crew members, crowd control officials, race monitors, checkpoint personnel, and clean-up crews shall be informed, either through a presentation or a pamphlet, of the occurrence of desert tortoises in the race area, and the threatened status of the species. All such personnel shall be advised of the definition of "take," the potential for impacts to the desert tortoise, and the potential penalties (up to \$25,000 in fines and 6 months in prison) for taking a threatened species in a manner not permitted in the incidental take statement. The permit holder shall provide a written statement for signature acknowledging receipt of information regarding the desert tortoise and any special stipulations in place for tortoise protection from all entrants. All race monitors and checkpoint personnel shall be provided the race stipulations and the procedures for reporting permit violations. (FWS Minimization Measures for Management of OHV Events)
  2. Vehicles shall not exceed the legal speed limit (posted or un-posted) of the roads used during events. Clark County speed limit for un-posted roads is 25 miles per hour. If the speed limit is not posted, the speed limit shall be 25 miles per hour. (FWS Terms & Conditions 1(f))
  3. For all events, which cross the Lincoln/Clark County line, the event will only be authorized in accordance with corridors identified within the current or amended Caliente MFP amendment. (FWS Terms & Conditions 1(h))
  4. For speed events: Minors and responsible adults participating in events shall be informed that they shall not ride their ATVs or motorcycles in the desert after they finish an event. This includes the open desert as well as roads and trails. Failure to comply with this condition by any child associated with a particular rider shall result in the disqualification of that rider. (FWS Terms & Conditions 1(j))
  5. For speed events, including non-speed sections: If a vehicle breaks down, it will be moved to the side of the racecourse, avoiding damage to vegetation to the extent possible. Participants who stop to rest will pull over onto side roads or areas devoid of perennial vegetation, if possible. Riders who voluntarily retire from the event will either wait along the course for their crew to pick them up, or travel along the course to a pit area. Chase crews will be limited to retrieving vehicles that are broken down along the course. All chase vehicles must have a pit pass, retrieval pass or other form of access permission from the Bureau. (FWS Terms & Conditions 1(k))
  6. For speed events: Spectator vehicles will be allowed in designated spectator areas only. Within critical habitat (outside ACECs), spectator areas shall be confined to existing disturbed areas. Outside critical habitat, new spectator areas shall be selected in coordination with the Service. No spectator areas will be allowed in ACECs. (FWS Terms & Conditions 1(l))

7. Temporary or permanent fences/boundary markers shall be installed around pit and spectator areas to clearly delineate the boundaries of these areas from adjacent desert habitat, using sturdy materials such as orange plastic fencing. Monitor(s) will be placed at each pit and spectator area to ensure that spectators remain within the designated boundary. Anyone found outside of the designated area(s) will be subject to citation by a Bureau law enforcement officer. (FWS Terms & Conditions 1(m))
8. For speed events: Pit crews will use only authorized pit areas. Pits shall be confined to existing disturbed areas, unless otherwise approved by the Service. Pit areas will be marked with a sign stating that a pit pass is required. A maximum of 10 pit passes will be issued to each entrant; however, in unusual cases the Bureau may authorize issuance of additional passes to meet the specific needs or conditions. Under no circumstances will the issuance of additional passes create or contribute to expansion of designated pit areas. Pit passes should be identified by color or unique number, the name and date of event, and distinguish the pit to which the pass applies (i.e., main pit or course pit), and will be affixed to the windshield of each vehicle. Vehicles in the pit area without pit passes will be towed at the owners' expense. Unauthorized duplication of pit passes will result in disqualification of the entrant and this shall be stated on each pass. (FWS Terms & Conditions 1(n))
9. For speed events, including non-speed sections: All event-related activities will be confined to authorized vehicle routes, pit areas, spectator areas, and the course itself, and will not stray into vegetated areas. All major access routes leading into restricted areas will be monitored, or marked closed and bannered off. Personnel shall be stationed at these areas, as appropriate, to enforce access restrictions. Directional signs to spectator and pit areas will be posted at all main access points. A Race-in-progress@ signs will be posted at each location where the race crosses another road. Other disqualification or hazard zones will be monitored periodically during the event. (FWS Terms & Conditions 1(o)).
10. Bureau staff will be present to check for compliance with stipulations of the race permit. The importance of staying on the racecourse will be stressed to all participants by the Bureau and promoter. (FWS Terms & Conditions 1(p))
11. For all events: A sufficient number of Bureau rangers, monitors, and crowd control officials, as determined by the Bureau, will be required to enforce compliance with stipulations of the event permit. Monitors may be Bureau or proponent personnel and shall be stationed at all disqualification or hazard areas to record any violations. As a general guideline, the Bureau will provide one law enforcement officer per 50 participants, to enforce terms and conditions of this biological opinion, control unauthorized vehicular travel off existing roads, and ensure that habitat damage does not occur. The number of law enforcement officers present may be increased or decreased based on the event proponents past history of event management and stipulation compliance, the estimated number of spectators, geographic setting of the event, or experience gained from previous similar events. (FWS Terms & Conditions 1(q))
12. For all events: Permittee's shall be responsible for trash and litter clean up along the course and in spectator and pit areas. Stakes, flagging materials, temporary facilities, litter, and all other event-related materials shall be removed from the course and pit, parking, and spectator areas. The racecourses and parking areas shall be restored, at a minimum, to pre-event conditions within 15 days after the event. Garbage and food will be removed from the site of the event at the end of each day and will be disposed of in authorized sanitary landfills. (FWS Terms & Conditions 1(r))
13. For all events, including non-speed sections: To reduce casual use within the vicinity of courses, on a case-by-case basis, race areas may be legally closed to casual use on the day of the event. The determination as to whether to close the event area will be made after reviewing the type of event, number of spectators and pit crews expected, location, ability to access the event area and history of similar events. If an area is closed, the promoter will be required to station monitors and/or post signs at road intersections, prohibiting public access, where the general public is likely to access the race course. If the promoter does not control access, the Bureau will perform this function and bill the promoter for costs. A Federal Register notice providing authority to close race areas in the Las Vegas District will be issued on an as-needed basis. This will allow Bureau law enforcement officers to enforce regulations. To implement applicable closures, a legal notice will be published in the *Las Vegas Review Journal*, or other appropriate publication, before the permitted events take place. (A Federal Register notice was published in July 1994 and is currently in effect for the Las Vegas District.) (FWS Terms & Conditions 1(s))

14. For all events: Any desert tortoises found on or adjacent to the event course shall be moved into undisturbed desert within 1,000 feet by Bureau personnel experienced or trained in the handling of tortoises, or Bureau contractors experienced and trained in the handling of tortoises according to current Service-approved protocol. Currently, the Service-approved protocol is, "Guidelines for Handling Desert Tortoises During Construction Projects (Desert Tortoise Council 1994, Revised 1996)." Tortoises shall be deliberately moved solely for the purpose of moving them out of harm's way. Desert tortoises shall not be placed on lands not under the ownership of the Bureau without the written permission of the landowner. All personnel involved in tortoise capture shall obtain appropriate permits from NDOW prior to handling any desert tortoise. All road repair and course cleanup crews shall be accompanied by Bureau personnel or their designee to ensure that no tortoises or tortoise burrows are harmed during repair and cleaning operations. (FWS Terms & Conditions 1(t))
15. For speed events: Publicity runs will not occur within ACECs, and all event-related vehicular activity will be confined to authorized routes and the course itself and will not stray into vegetated areas. (FWS Terms & Conditions 1(u))
16. For all events: To the extent possible, the event course shall be cleared of all unauthorized vehicles and personnel prior to each event. (FWS Terms & Conditions 1(v))
17. For all events: Participants in each event who violate any stipulation for that event shall be disqualified from the event. Additionally, failure to comply with the above stipulations by any member of the support team or spectators associated with a particular driver or rider shall result in the disqualification of that driver or rider. (FWS Terms & Conditions 1(w))
18. For speed events: To help control spectators, the event promoter will station at least one person at the primary entrance to the spectator area for at least 2 hours before the start of the race and 1 hour after the start of the race. This individual will stop all cars coming into the area, give the occupants information on the limits of the spectator area, and advise them where they can and cannot park. (This will not apply to the Nellis Dunes Recreation Lands, which are primarily sand dunes and gypsum hills. The area supports low densities of tortoises, and receives high casual use by the public.) (FWS Terms & Conditions 1(x))

I declare that I have read and understand the Terms and Conditions of the Biological Opinion for OHV events. The United States Fish and Wildlife Service under the Endangered Species Act of 1973 have advised me that I am fully responsible for the compliance with these Terms and Conditions and that a violation of the Terms and Conditions may lead to prosecution.

Applicant's Name (Print)	Signature	Date
Authorized Officer (Print)	Signature	Date